Gram Sabha role in implementing Forest Rights Act

1486. SHRI A. VIJAYARAGHAVAN: Will the Minister of PANCHAYATI RAJ be pleased to state:

(a) whether Gram Sabha has a substantial part in the implementation of Forest Rights Act (FRA);

(b) if so, the details including processes initiated by Gram Sabha for implementation of FRA as on today, State-wise, category-wise;

(c) if so, the details of claims filed in prescribed format and number of such claims collected and forwarded by Gram Sabha as on today, State-wise, category-wise;

(d) if so, whether there is any delay in convening meeting of Gram Sabha for initiating various processes in the implementation of Forest Rights Act; and

(e) if so, the reasons therefor?

THE MINISTER OF PANCHAYATI RAJ (SHRI MANI SHANKAR AIYAR): (a) Yes, Sir. As per the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007), the Gram Sabha is the competent authority for initiating the process of determining the nature and extent of forest rights to be recognized and vested, which are to be scrutinized by the Sub-Divisional Level Committee, after which the District Level Committee will approve the claims and record of forest rights. Section 6 (1) of the Forest Rights Act states that "the Gram Sabha shall be the authority to initiate the process for determining the nature and extent of individual or community forest rights or both that may be given to the forest dwelling Scheduled Tribes and other traditional forest dwellers within the local limits of its jurisdiction under this Act by receiving claims , consolidating and verifying them and preparing a map delineating the area of each recommended claim in such manner as may be prescribed for exercise of such rights and the Gram Shaba shall, then, pass a resolution to that effect and thereafter forward a copy of the same to the Sub-Divisional Level Committee."

Rule 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) states that "the Gram Sabhas shall be convened by the Gram Panchayat and in its first meeting it shall elect from amongst its members, a committee of not less than ten but not exceeding fifteen persons as members of the Forest Rights Committee, wherein at least one-third members shall be the Scheduled Tribes: provided that not less than one-third of such members shall be women, provided further that where there are no Scheduled Tribes, at least one-third of such members shall be women".

Rule 4 lays down functions of the Gram Sabha and states that "the Gram Sabha shall (a) initiate the process of determining the nature and extent of forest rights, receive and hear the claims relating thereto; (b) prepare a list of claimants of forests rights and maintain a register containing such details of claimants and their claims as the Central Government may by order determine; (c) pass a resolution on claims on forest rights after giving reasonable opportunity to interested persons and authorities concerned and forward the same to the Sub-Divisional Level Committee, (d) consider resettlement packages under clause (e) of sub-sec*'on (2) of Section 4 of the act and pass appropriate resolutions; and (e) constitute Committees for the protection of wildlife, forest and biodiversity, from amongst its members, in order to carry out the provisions of section 5 of the act".

Rule 11 details the procedure for filing, determination and verification of claims by the Gram Sabha. The rule states that "the Gram Sabhas shall (a) call for claims and authorize the Forest, Rights Committee to accept the claims in the Form, as provided in Annexure-I of these rules and such claims shall be made within a period of three months from the date of such calling of claims along with at least two of the evidences mentioned in rule 13, shall be made within a period of three months, provided that the Gram sabha may if consider necessary, extend such period of three months after recording the reasons thereof in writing; (b) fix a date for initiating the process of determination of its community forest resource and intimate the same to the adjoining Gram Sabhas where there are substantial overlaps, and the Sub-Divisional Level Committee."

(b) to (e) After operationalization of the Act and notification of the Rules, the Ministry of Tribal Affairs has written to all State/UT Governments on 11.1.2008 to constitute various Committees under the Act Immediately and also initiate necessary action for recognition and vesting of the forest rights in the forest dwelling Scheduled Tribes and other traditional forest dwellers under the Act. The Ministry of Panchayati Raj has also written to the States/UTson 15.2.2008 suggesting that the states may organize Gram Sabhas on 28.2.2008 during which the provisions of the Act and the Rules and the roles and responsibilities of PRIs , Gram Sabhas and Forest Rights Committees are explained. The requisite details sought in part (b) to (e) of the Questions are yet to be received from the State/UT Governments.

Clearing of OBC backlog

1487. SHRIJESUDASU SEELAM: Will the PRIME MINISTER be pleased to state:

(a) whether Government have approved a proposal to launch a special recruitment drive to fill 28,671 vacancies reserved for OBCs in 70 Central Government Ministries, Departments and PSUs;

(b) whether the Group of Ministers appointed for the purpose has recommended that unfilled OBC quota be treated as a distinct group which would be excluded while applying the ceiling of 50 per cent to determine the reserved vacancies in any year;

(c) to what extent the backlog would be cleared independently of the 22.5 per Cent 350 quota for SC/ST and.2,7 per cent for OBCs; and

(d) whether any time-bound programme in this regard has been drawn?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI SURESH PACHOURI): (a) to (d) A proposal to launch a special recruitment drive to fill up backlog vacancies is under consideration. The proposal does not affect the reservation quota prescribed for the SCs and the STs.

Implementation of reservation

1488. SHRI GANDHI AZAD: Will the PRIME MINISTER be pleased to state;

(a) whether all concerned Ministries/Departments have implemented the provision